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TERRITORIAL GROWTH OF THE UNITED STATES.

OUR TITLE TO OREGON.

By WILLIAM A. MOWRY.

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MAP SHOWING THE
TERRITORIAL GROWTH
OF THE
UNITED STATES
The figures under the State names indicate the dates of their admission into the Union; or, in the case of the Original Thirteen States, the date of their ratification of the Constitution.
SCALE OF MILES
0 100 200 300 400 500
Longitude West from Greenwich
BRITISH POSSESSIONS
CANADA
PACIFIC OCEAN
ATLANTIC OCEAN
GULF OF MEXICO
MEXICO
CUBA
BAHAMA ISLANDS
TROPIC OF CANCER
LAKE SUPERIOR
LAKE MICHIGAN
LAKE HURON
LAKE ERIE
L. ONTARIO
WASHINGTON
TITLE TO THIS TERRITORY BASED UPON
1. Discovery and Exploration, 1792–1805.
2. Prior Settlement, 1811.
3. Treaty of Louisiana Purchase, 1803.
4. Treaty with Spain, 1819.
5. Treaty with England, 1846.
OREGON
1859
MONTANA
DAKOTA
MINNESOTA
1858
WISCONSIN
1848
MICHIGAN
1837
NORTH WESTERN TERRITORY
CEDED BY MASSACHUSETTS
CEDED BY CONNECTICUT, 1796–1800
ORIGINAL AREA OF THE UNITED STATES
NEW YORK
1788
VERMONT
1791
NEW HAMPSHIRE
1788
MASSACHUSETTS
1788
MAINE
1820
CONN.
1788
R. I.
1790
NEW JERSEY
1787
PENNSYLVANIA
1787
DELAWARE
1787
MARYLAND
1788
W. VA.
1863
VIRGINIA
1788
KENTUCKY
1792
OHIO
1802
INDIANA
1816
ILLINOIS
1818
CEDED BY VIRGINIA, 1784
NORTH CAROLINA
1789
SOUTH CAROLINA
1788
TENNESSEE
1796
SOUTH WEST TERRITORY
CEDED BY NORTH CAROLINA, 1790
CEDED BY SOUTH CAROLINA, 1789
MISSISSIPPI
1817
ALABAMA
1819
GEORGIA
1788
ORIGINAL 1783
MISSISSIPPI TERRITORY
GEORGIA, 1802
CEDED BY SPAIN, 1845, 1819
FLORIDA
1845
PROVINCE OF LOUISIANA
MISSOURI
1821
ARKANSAS
1836
LOUISIANA
1812
IOWA
1846
NEBRASKA
1867
KANSAS
1861
COLORADO
1876
WYOMING
UTAH
NEVADA
1864
CALIFORNIA
1850
MEXICAN CESSION OF 1848
ARIZONA
NEW MEXICO
MEXICAN CESSION OF 1853, OR GADSDEN PURCHASE
CEDED BY TEXAS, 1850
TEXAS
1845
TEXAN ANNEXATION 1845
INDIAN TERRITORY
Columbia R.
Snake R.
Yellowstone
Missouri R.
Red R. of the North
Rainy R.
Platte
Arkansas R.
Colorado R.
Gila R.
Rio Grande
Red R.
Sabine R.
Nueces R.
Mississippi R.
Ohio R.
Chattahoochee R.
Savannah R.
St. Mary's R.
St. Croix R.
St. Lawrence R.
Great Salt Lake
Longitude East from Greenwich
Longitude West 180 160
ASIA
ARCTIC OCEAN
Pt. Barrow
E. Cape
Bering Str.
C. Pr. of Wales
Boundary between Alaska and the Russian Empire
BERING SEA
RUSSIAN
1867
ALEUTIAN ISLANDS
Yukon R.
ARCTIC CIRCLE
BRITISH POSSESSIONS
Mt. St. Elias
ALASKA
SCALE, ONE-HALF OF LARGE MAP.
Longitude West from Washington
103
83
63
120
110
100
90
80
70
40
30
20
50
60

TERRITORIAL GROWTH OF THE UNITED STATES*

OUR TITLE TO OREGON

The question of our title to Oregon is an interesting one, and has occasioned much difference of opinion. The claim has sometimes been made that we obtained possession of this portion of the Pacific slope by our purchase of the Province of Louisiana. It will be the design of this paper to show that the United States Government has always maintained a consistent course upon this question, and that among a variety of claims, each of which added something to our title, that from the Louisiana purchase was of very little consequence, and should not be considered of such importance as to be named upon a par with the others. The following facts should be borne in mind from the outset—

(1.) It is well known that the Columbia River was first discovered by Captain Robert Gray, of Boston, in 1792.

(2.) If France had any claim to that territory we purchased it in 1803.

(3.) President Jefferson, entirely irrespective of this purchase, sent out an expedition under Captains Lewis and Clarke, in 1804, to explore the country of the upper Missouri and to cross over and follow to the sea any great river they might find running westward from the mountains. In the years 1805 and 1806, they explored the country of the Columbia from the sources of its two great branches to the Pacific. This exploration was planned by Jefferson before the purchase of Louisiana.

(4.) We made the first actual settlement of the country at Astoria in 1810.

(5.) We purchased from Spain, in the Florida treaty, her right to all that country north of 42°.

(6.) We may mention as an additional claim its contiguity to our other possessions.

In order to understand the value of these various claims to this territory and to be able to appreciate correctly their relative importance, it will be well to consider our controversy with Great Britain upon this subject. The careful consideration of the grounds of our title as put forth at different periods by our ministers to the Court of Saint James will probably

* The accompanying map of the territorial growth of the United States exhibits to the eye at a single glance the rapid strides our country has made geographically. This map, which is singularly accurate and admirably executed, is used here by the courtesy of the publishers of Prof. Fisher's *Outlines of Universal History*, Messrs. Ivison, Blakeman, Taylor & Co.

form the surest basis of a correct judgment. Prior to 1818, although Great Britain had laid some claim to the country west of the Rocky Mountains, yet no definite negotiations had been undertaken between the two governments to settle the dispute. During the year 1818, however, our ministers plenipotentiary, Messrs. Gallatin and Rush, carried on extended communications with the British Commissioners, Messrs. Gouldburn and Robinson, upon this subject. It was agreed by these gentlemen, in a convention dated October 20, 1818, and ratified by the governments January 30, 1819, that:—"Any country that may be claimed by either party on the northwest coast of America, westward of the Stoney Mountains, shall be free and open for the term of ten years from this date to the vessels, citizens, and subjects of the two powers, it being well understood that this agreement is not to be considered to prejudice any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power, or State, to any part of the said country; the only object of the high contracting parties in that respect being to prevent disputes and differences among themselves." *

The foregoing is the third article of the convention. It was signed by Albert Gallatin and Richard Rush on the part of the United States, and by Frederick John Robinson and Henry Gouldburn on the part of Great Britain. This agreement was continued in 1827 and lasted till the final settlement of the boundary in 1846. It is worthy of our special attention to observe what were the positions assumed by these two distinguished diplomatists of ours and what counter claims were set up by the British Commissioners, at this early stage of negotiations between the two countries. Messrs. Gallatin and Rush did not assert at this time that the United States had a perfect right to this country, but insisted that our title was at least good against Great Britain. Our commissioners contended that we could hold this territory for the following reasons:—on account of—

(1.) The discovery of the Columbia River by Captain Gray in 1792.

(2.) The first exploration from the sources to the mouth of this river by Lewis and Clarke in 1804, 5 and 6.

(3.) The formation of the first establishment in the country by American citizens; viz., the planting of the colony of Astoria in 1810.

On the other hand the English Commissioners claimed that "former voyagers and principally that of Captain Cook gave to Great Britain the rights derived from discovery, and they alluded to purchases from the

* *United States Treaties and Conventions*, p. 351.

natives south of the Columbia which they alleged to have been made prior to the American Revolution. They did not make any formal proposition for a boundary, but intimated that the river itself was the most convenient which could be adopted, and that they would not agree to any which did not give them the harbor at the mouth of that river, in common with the United States."

In reply to this, we may here remark that Captain Cook saw no part of this coast south of latitude 57° which had not been explored by the Spanish, long before his voyage, and however proper that argument may have been in 1818, when, a little later, we had purchased all the rights of Spain to this country the case stood somewhat differently. No further negotiations took place between our government and that of Great Britain till 1824. At that time Mr. Rush claimed for the United States "in their own right, as their absolute and exclusive sovereignty and dominion, the whole of the country west of the Rocky Mountains from the 42° to at least as far up as the 51° of north latitude." He further said that "in the opinion of my government the title of the United States to the whole of that coast from latitude 42° to as far north as 60° was superior to that of Great Britain or any other power; 1st. Through the proper claim of the United States by discovery and settlement; and 2d, as now standing in the place of Spain, and holding in their hands her title."

It will be observed that even in 1824 Mr. Rush did not base our claim on the Louisiana purchase. It may not be without profit to quote more fully from Mr. Rush's views at that time. He claimed "exclusive possession and sovereignty at least as far north as the 51st degree of latitude," which was then supposed to represent the northern limit of the waters of the Columbia. In support of this claim he cited the following facts:

(1.) "The first exploration of that discovery of the Columbia by Captain Gray."

(2.) "The first exploration of that river, from its sources to the sea, by Lewis and Clarke."

(3.) "The first settlement on its banks by the Pacific Fur Company, a settlement which was reduced by the arms of the British during the late war, but was formally surrendered up to the United States at the return of peace;" and

(4.) From the transfer by Spain to the United States of all her titles to those territories, founded upon the well-known discoveries of her navigators; and he insisted, in obedience to expressed instructions from his government, "that no part of the American continent was thenceforth to be opened to colonization from Europe."

Again he says: "The claims of the United States above the 42d parallel as high up as 60°—claims as well in their own right as by succession to the title of Spain—would henceforth necessarily preclude other nations from forming colonial establishments upon any part of the American continent.*

Let us with equal brevity summarize the arguments for our exclusive jurisdiction, as put forth in 1826.

(1.) "The acquisition by the United States of the title of France through the Louisiana treaty and the title of Spain through the Florida treaty."

(2.) "The discovery of the mouth of the Columbia."

(3.) "The first exploration of the countries through which the river flows."

(4.) "The establishment of the first posts and settlements in those countries by American citizens."

(5.) "The virtual recognition of the title of the United States by the British Government, in the restitution agreeably to the first article of the treaty of Ghent, of the post near the mouth of the Columbia, which had been taken during the war."

(6.) "Upon the ground of contiguity which should give the United States a stronger right to those territories than could be advanced by any other power."†

It has been observed by every thoughtful mind that in pressing our claims to Oregon upon the British Government no one ground was exclusively relied upon, but rather an aggregation of claims was presented and insisted upon. That the country beyond the Rocky Mountains never belonged to France, and hence could not have been ceded to us as a part of the Louisiana purchase, will appear plain from the following considerations:

(1.) France never claimed beyond the Rocky Mountains. In 1712, King Louis XIV. granted to Antoine Crozat the exclusive trade of the territory called Louisiana. This grant gives the earliest exposition of the limits of that province. By the grant to Crozat the territory is "bounded by New Mexico, and by those of the English in Carolina. The river St. Louis, formerly called the Mississippi, from the sea-shore to the Illinois, together with the rivers St. Philip, formerly called the Missouries River, and the St. Jerome, formerly called the Wabash (the Ohio), with all the countries, territories, lakes in the land, and the rivers emptying directly or

* Protocol of the twelfth conference between plenipotentiaries held June 26, 1824, among the documents annexed to President Adams's message to Congress, January 31, 1826.

† Greenhow's *History of Oregon*, pp. 347–8.

indirectly into that part of the river St. Louis."* This description by no possible construction could include anything beyond the head waters of the Missouri. France never afterward claimed for herself beyond the Rocky Mountains.

(2.) Spain always asserted that Louisiana was limited by the Rocky Mountains. During all our negotiations with Spain in relation to Florida, and which includes a full discussion of our western boundaries, Spain never admitted for a moment that Louisiana extended west of the mountains.

(3.) Neither Great Britain nor any of her writers upon the subject ever allowed that Louisiana extended west of the Rocky Mountains.

(4.) Until after the treaty of Florida in 1819, our government never contended that our title to Oregon was perfect.

Messrs. Gallatin and Rush, in 1818, in reporting to their government, stated: "We did not assert that the United States had a perfect right to that country, but insisted that their claim was at least good against Great Britain."† But after our purchase of Florida and settlement of the boundary between our territory and the Spanish provinces as latitude 42° north: that is, when we had purchased Florida, given up Texas to Spain, and she had ceded her right and claim to Oregon to the United States, then we set up a complete title to that country. In 1845, Mr. Buchanan asserted that "our own American title to the extent of the valley of the Columbia, resting as it does on discovery, exploration, and possession,—a possession acknowledged by a most solemn act by Great Britain herself,—is a sufficient assurance against all mankind; whilst our superadded title derived from Spain extends our exclusive rights over the whole territory in dispute against Great Britain." ‡ This position expressed by Mr. Secretary Buchanan in his negotiations with the British Government in 1845, had been uniformly held by our government from the time of the Florida treaty.

"In 1824, Mr. Rush commenced his negotiations by claiming for the United States 'in their own right, and as their absolute and exclusive sovereignty and dominion, the whole of the country west of the Rocky Mountains, from the 42d to at least as far up as the 51st degree of north latitude.' He further said that 'in the opinion of my government, the title of the United States to the whole of that coast from latitude 42° to as far north as 60°, was superior to that of Great Britain or any other power;

* See State Papers, 1817–1818, p. 437. Our Secretary of State, John Quincy Adams, says, "the only boundaries ever acknowledged by France before the cession to Spain, in 1762, were those marked out in the grant from Louis XIV. to Crozat."

† See *Travers Twiss*, p. 202.

‡ Letter from Mr. Buchanan, July 12, 1845.

first, through the proper claim of the United States by discovery and settlement; and *secondly*, as now standing in the place of Spain, and holding in their hands her title.'"*

(5.) The opinion that Louisiana did not extend beyond the Rocky Mountains has been almost, if not quite, uniformly held by the leading statesmen of our government. Mention has already been made of the views of Mr. Rush, Mr. Gallatin, Mr. John Quincy Adams, and Mr. Buchanan; all of whom conducted at different times negotiations with Great Britain upon this subject. Mr. Jefferson, in a letter written in August, 1803, immediately after the ratification of the treaty of purchase of Louisiana, says: "The boundaries (of Louisiana) which I deem not admitting question, are the highlands on the western side of the Mississippi, inclosing all its waters (the Missouri, of course), and terminating in a line drawn from the north-western point of the Lake of the Woods to the nearest source of the Mississippi."

John J. Anderson, Ph.D., the author of a series of school histories of the United States, in reviewing this subject used the following language: "In March, 1844, Mr. A. V. Brown, from the Committee on the Territories, made a report to Congress, covering twenty-four closely printed pages, in which this whole question is thoroughly discussed. In this long report there is not the first attempt to prove that our right to Oregon came to us through the Louisiana purchase." Dr. Anderson also says: "Mr. Clay says not a word of the Louisiana purchase, and Mr. Gallatin, in his able and exhaustive discussion on the subject, as manifested in his letters, and in his celebrated pamphlet of seventy-five pages, published in 1846, makes but the briefest allusion to the Louisiana purchase. The whole bent of his argument is to show that our title to Oregon came to us through discoveries, exploration and occupation. Mr. Cushing's report, made to Congress in 1839, the books written from the English standpoint by the English authors, Thomas Falconer, Travers Twiss and John Dunn, besides numerous pamphlets, an able article in the *North American Review* for 1845, p. 214, as well as Presidents' messages and reports of debates in Congress—all reviewing and discussing the Oregon question—have been read by me with care; but nowhere have I seen any attempt whatever to prove that any part of the region west of the Rocky Mountains ever belonged to France, or that France made any pretense of conveying it to the United States."†

* *Travers Twiss*, p. 269.

† From a pamphlet by Dr. Anderson entitled "Did the Louisiana Purchase Extend to the Pacific Ocean?" 1880.

In 1839 Hon. Caleb Cushing, from the Committee on Foreign Affairs, submitted to Congress an able and exhaustive report, in which he expresses substantially the views given above. In this report Mr. Cushing says: "The United States, then, claim title to the exclusive dominion, as against any foreign power, of the country extending east and west from the Rocky Mountains, and north and south from the limits of the Mexican Republic in latitude 42° north to those of Russia in 54° 40′, with an offer to relinquish to Great Britain all north of latitude 49°. They claim this on three grounds—

(1.) In their own right.

(2.) As the successor of France. And

(3.) Of Spain."

He then elaborates the first and third points, and slides over the second. He shows that after our purchase of Louisiana, Spain was the only power that could contest our claim to the Pacific territory. He says: "The Louisiana treaty cedes to the United States the Colony or Province of Louisiana with the same extent it had in the hands of Spain in [illegible] that it had when previously possessed by France, with all its r[illegible] appurtenances. This description is, to be sure, sufficiently loose. [illegible] leon, having made the cession at the moment of going to war w[illegible] Great Britain, and having made it to prevent the country from falling into the hands of the latter, and having ceded it to the United States out of friendly feelings towards us and in order to augment our power as against that of Britain—being actuated by these motives, he, of course, chose to execute a quit-claim rather than a warranty of boundaries; and the United States, placed in the position of acquiring at a cheap price a territory almost invaluable to her, had no disposition to be hypercritical on this point, and thus hazard the loss of such a favorable contingency. And though much controversy sprang up in regard to the south-western or south-eastern limits of Louisiana, yet *all this resolved itself at length into a question with Spain, as did also the doubts as to the* WESTERN limits of Louisiana." *

These statements indicate that there was a doubt in the mind of Mr. Cushing in reference to the western boundaries of Louisiana, but that no government except that of Spain could show any claim to this country. When, therefore, we had purchased her right, our title to Oregon was absolutely indisputable throughout its widest extent. In an article of great value exhibiting careful thought, wide research, rare good judgment and statesmanlike views, by Mr. Cushing in the *North American Review* for January, 1840, the author uses the following language: "This event"—the

* Document No. 101, House of Representatives, 25th Congress, 3d Session, p 7.

purchase of Louisiana—"gave us *great*, though *undefined*, rights on the side of the Rocky Mountains and the Pacific.*

During the preliminary negotiations for the sale of Louisiana by Napoleon, when the obscurity of the western boundary was mentioned to him by Marbois, Napoleon is reported to have said: "If an obscurity did not already exist, perhaps it would be good policy to put one there." †

When Canada was granted to Great Britain in 1763, the French certainly ceded only what they possessed. "It is," says Marbois, "*as a consequence* of that treaty that England has occupied territory to the west as far as the great Northern Ocean." ‡ As against England, then, on the same principle, we might claim, by virtue of this cession, to the Pacific with equal force and justice. But Marbois plainly says, in speaking upon this point: "The shores of the Western Ocean were certainly *not* included in the cession." § And again he says: "The treaty of cession to the United States meant to convey nothing beyond the Rocky Mountains." ‖

"It is well known that the Spanish Government protested against the transfer of Louisiana by France to the United States, but their opposition was abandoned, and the next year (1804) a negotiation was commenced at Madrid between that government and the United States, looking to the adjustment of the lines which separated their respective territories. In this negotiation our country claimed the whole coast upon the Gulf of Mexico as far west as the Bravo Del Norte, now the Rio Grande, which the United States then claimed was the north-east boundary of Mexico, with all the intermediate rivers, *and all the countries drained by them.*" ¶

Thus early did our government establish itself upon the general ground that the Louisiana purchase extended only to the Rocky Mountains. It is clear also that it claimed Texas as a proper portion of the purchase. But in the Florida treaty it was stipulated that, in addition to buying the Floridas of Spain, we should waive our claim to Texas, and she should yield her claim to Oregon. This claim was considered of such importance that from that moment, as we have seen, our government ever maintained that she had an absolute and perfect right to Oregon.

From all the foregoing considerations we therefore conclude that our claims to Oregon consisted:

(1.) In our own right, coming from discovery, exploration, settlement and contiguity;

(2.) From purchase of whatever right France had in it, which, however,

* *N. A. Review*, vol. l., p 95. † Marbois, p. 286. ‡ Marbois, p. 285.
§ Marbois, p. 286. ‖ Marbois, p. 290. ¶ Greenhow's History of Oregon, p. 280.

is the smallest, least important and most questionable of all our claims; and

(3.) From our succeeding to the right which Spain might have set up to all that coast north of latitude 42°.

It is possible that, had we not purchased this right of Spain, we might have maintained successfully our exclusive jurisdiction, especially as against Great Britain, but after the Florida treaty our statesmen never entertained any doubt but that our title was perfect and that we could maintain it against the world.

At this day it is difficult to overestimate the value and importance to the United States of that great country, and while the party alliterative cry in 1844 of "Fifty-four-forty-or-fight" only aided in the defeat of one candidate and the election of another to the presidency, and did not prevent that same President from negotiating the treaty on 49°, thus yielding to Great Britain a valuable country of no mean magnitude and importance, because the American people would not approve of a third war with the mother country for the possession of a territory so little known and so far away, yet it did settle amicably with Great Britain a controversy of great moment and long standing, and gave us undisputed possession of what is now Oregon, Washington and Idaho—one of the most healthful, fertile and altogether delightful countries on the globe, extending through seven degrees of latitude and ten degrees of longitude, and containing in round numbers 300,000 square miles, a country larger than France or Germany or Italy.

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